



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

JAN 0 8 1991

Ref: 8HWM-FF

Mr. Ronald Hellbusch  
Director of Public Works and Utilities  
City of Westminster  
4800 West 92nd Avenue  
Westminster, CO 80030

ADMIN RECORD

Dear Mr. Hellbusch:

This letter is in response to your letter of November 20, 1990 regarding the project proposed by the cities of Westminster, Broomfield, Thornton, and Northglenn (the cities) to divert and control surface water runoff from the Rocky Flats Plant (referred to in your letter as the "interceptor canal project"). It is evident from your letter that some misunderstandings remain regarding EPA's concerns with the project. The following information is provided with the hope of achieving a greater understanding on the part of the cities as to what these concerns are. We remain confident that through the appropriate involvement by EPA in the design and construction activities, adverse environmental impacts as well as project delays can be avoided.

In your November 20, 1990 letter, you requested an explanation of the boundaries of the Comprehensive Response, Compensation, and Liability Act (CERCLA) site, the basis for that determination, and the response activities that have taken place at the site. Operable Unit 3 is defined by the draft Interagency Agreement (IAG) as consisting of Great Western Reservoir (site 200), Standley Lake (site 201), Mower Reservoir (site 202), and contamination of the land surface (site 199). The contamination of the land surface is not defined by discrete boundaries at this time. This is not unusual at a CERCLA site. The site characterization and remedial investigation processes under CERCLA are designed to determine the nature and extent of contamination (i.e., the types of contaminants, their concentrations, and aerial and vertical boundaries). At this time, the remedial investigation is in the planning stage, therefore, not enough information of sufficient quality exists to clearly define the nature and extent of contamination. This lack of information is what EPA remains concerned about. Although your point is well taken that until the extent of contamination is defined, the boundaries should not be extended needlessly, we believe it is prudent to not constrain those boundaries without a complete analysis.

Another aspect of our concern about this lack of information pertains to the project's consistency with CERCLA. We understand

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from your letter that the cities are willing to take the risk that the project is inconsistent with CERCLA. Please clarify your position on this issue. Section 101(24) of CERCLA defines a remedial action as "those actions consistent with permanent remedy taken...to prevent or minimize the release of hazardous substances ..." (emphasis added). Section 122(e)(6) of CERCLA states that "...no potentially responsible party may undertake any remedial action at the facility unless such remedial action has been authorized by the President." Section 101(9) defines a facility as "any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located..." The construction zone for the interceptor canal may be considered a facility, according to the above definition, if hazardous substances are present. If this is the case, construction of the interceptor canal may create conditions inconsistent with the goals and objectives of the ongoing CERCLA response action. If no hazardous substances are present, then by definition, the project would not be within the boundary of the Rocky Flats Plant CERCLA site. In either case, we need sufficient data to determine whether hazardous substances are present and if so, what the impact would be on subsequent CERCLA response actions. Through the IAG process, we will ensure that a full characterization of this area is performed by the Department of Energy (DOE). However, as you know, the cities' project is likely to begin before much of this work is completed. For this reason, we remain concerned.

You also state in your letter that you "...know of no evidence that any health risk is presented to the public by the interceptor canal project." EPA does not have evidence to draw such a conclusion either. Our point is that characterization and risk assessment work must be completed in order to determine the risk to public health and the environment. The risk may, in fact, be minimal. At this time however, such a conclusion can't be drawn with any degree of confidence.

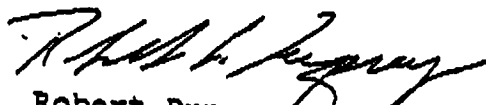
It is clear that our concerns regarding Big Dry Creek also require elaboration. The project description we received at the October 31, 1990 meeting at the Broomfield city offices indicates that the diversion canal to be built around Standley Lake will channel water from two sources into Big Dry Creek, namely, the entire storm runoff from the tributary area of the Woman Creek watershed and the surface runoff from the area north of Standley Lake. EPA remains concerned about the effects this channeling will have on the biota in Big Dry Creek as well as downstream users. You should be aware that channeling contaminants downstream (if, in fact, the water or sediment is contaminated) may be considered an inconsistency with CERCLA since the spreading of contamination into previously uncontaminated areas is contrary to the stated CERCLA goal of cleanup. At a minimum, we suggest that sediment and surface water samples be collected in order to characterize the baseline conditions of Big Dry

Creek. Continued monitoring of the creek after construction should also be conducted to assess the impact of the diversion. The cities should be prepared to implement appropriate contingencies in the event that impacts are identified. Alternatively, a full quantitative assessment of the risk to human health and the environment should be completed before construction activities begin. EPA has the expertise to advise the cities on how to perform an adequate risk assessment and would welcome an opportunity to provide input. Should such an assessment identify an unacceptable risk to human or environmental populations, consideration can be given to incorporating appropriate features into the design of the canal in order to reduce the risk.

We were pleased to learn that Westminster intends to conduct additional soil sampling and analysis for radionuclides and other contaminants once the canal alignment has been chosen and that mitigative measures will be considered to protect workers and the public during construction. We support the approach to choosing a canal alignment which you described in your letter. EPA requests the opportunity to provide input to sampling plans and interpretation of results.

In the short term, we look forward to meeting with you to discuss the results of the recent sampling by Westminster in the vicinity of the project site, the project status, and the project schedule. We are also interested in exploring ways in which EPA can work with the cities during the design and construction processes to ensure consistency with the National Contingency Plan and CERCLA, and that public health and the environment are protected. Please contact Ms. Bonita Lavelle at (303) 294-1165 to arrange such a meeting.

Sincerely,



Robert Duprey, Director  
Hazardous Waste Management Division

cc: James Landeck, City of Northglenn  
Jack Ethredge, City of Thornton  
George DiCiero, City of Broomfield  
Matt Glasser, City of Broomfield  
Gary Baughman, CDH  
John Rampe, DOE/RFP